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IN THE
COURT OF APPEALS OF INDIANA

ROBERT D. HOSKINS,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 48A02-0702-CR-171
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MADISON SUPERIOR COURT
The Honorable Dennis D. Carroll, Judge
Cause No. 48D01-0506-FC-199

September 28, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

Robert D. Hoskins appeals his sentence following his conviction for Nonsupport of a Dependant Child, as a Class D felony, pursuant to a guilty plea. He raises a single issue for our review, namely, whether his sentence is inappropriate in light of the nature of the offense and his character.

We affirm.

FACTS AND PROCEDURAL HISTORY

On October 14, 1994, Hoskins and his wife divorced. During their marriage, they had two children. Between October 19, 1994, and May 31, 2005, Hoskins failed to pay court-ordered child support totaling $20,716.09. On June 24, 2005, the State filed an information charging Hoskins with nonsupport of a dependant child, as a Class C felony.

On October 30, 2005, Hoskins pleaded guilty to nonsupport of a dependent child, as a Class D felony. The trial court held a sentencing hearing on December 5, 2006. That same day, the trial court entered its sentencing order, stating in relevant part as follows:

> The Court finds aggravation: 1) The defendant has a history of delinquent activity including significant driving violations; and 2) There were multiple victims in the instant offense. The Court finds mitigation: 1) the defendant pled guilty to the instant offense saving the State the time and cost of trial; 2) Defendant will make restitution; and 3) Defendant has no criminal history.

Appellant's App. at 19. The court then sentenced Hoskins to thirty months, with twelve months executed and the remainder suspended. The court also permitted Hoskins to serve his executed sentence on work release. This appeal ensued.

DISCUSSION AND DECISION

On appeal, Hoskins maintains that his aggregate thirty-month sentence is inappropriate in light of the nature of the offense and his character. Although a trial court may have acted within its lawful discretion in determining a sentence, Article VII, Sections 4 and 6 of the Indiana Constitution "authorize[] independent appellate review and revision of a sentence imposed by the trial court." Anglemyer v. State, 868 N.E.2d 482, 491 (Ind. 2007) (quoting Childress v. State, 848 N.E.2d 1073, 1080 (Ind. 2006) (alteration original). This appellate authority is implemented through Indiana Appellate Rule 7(B). Id. Under Appellate Rule 7(B), we assess the trial court's recognition or non-recognition of aggravators and mitigators as an initial guide to determining whether the sentence imposed was inappropriate. Gibson v. State, 856 N.E.2d 142, 147 (Ind. Ct. App. 2006). However, "a defendant must persuade the appellate court that his or her sentence has met th[e] inappropriateness standard of review." Anglemyer, 868 N.E.2d at 494 (quoting Childress, 848 N.E.2d at 1080) (alteration in original).

As an initial matter, the State addresses whether the trial court abused its discretion when it imposed Hoskins' sentence. Although Hoskins challenges the trial court's finding of and weight assigned to the aggravators and mitigators, those arguments are raised only in the context of the inappropriateness of his sentence. Indeed, Hoskins expressly recognizes the trial court's discretion in sentencing, but he presents neither argument supported by cogent reasoning nor citations to authority for the proposition that the trial court abused its discretion in sentencing him. We therefore do not consider that issue. See Ind. Appellate Rule 46(A)(8)(a).

Hoskins' thirty-month sentence is not inappropriate in light of the nature of the offense. As the trial court recognized, Hoskins' nonsupport affected multiple victims, namely, his two daughters. Further, Hoskins owed a substantial arrearage, totaling more than $20,000. And his failure to pay the court-ordered support resulted in his former wife having to rely on public assistance for child support.

Nor can we say that Hoskins' sentence is inappropriate in light of his character. Although Hoskins called multiple witnesses at the sentencing hearing to testify about his virtues as a father, including his two daughters and former wife, the trial court addressed those testimonies, stating:

> [Y]ou, sir, are in denial. And that's what concerns me most about whether or not you're really going to change your behavior in the future. Of course, your kids love you. Of course, you are not a one dimensional person. There are times when you do wonderful things for your family. Of course that's all true. You are not a one dimensional person who's all good or all evil. I understand that. But there are some ways that you have been a very bad parent. You don't plead guilty to a felony non-support unless you have had some serious short-comings in your parental responsibilities.

Appellant's App. at 88. In other words, the more than $20,000 Hoskins owed in unpaid child support over approximately ten years reflects poorly on his character and outweighs the witnesses' testimonies. His poor character also is demonstrated by his twenty-one driving violations, including three contempt of court orders for failure to appear and one child restraint violation. And since January of 2000 Hoskins has had at least seven different employers, illustrating his lack of appreciation for his role as a provider to his children.

Finally, Hoskins argues in his Reply Brief that our recent decision in James v. State, 868 N.E.2d 543 (Ind. Ct. App. 2007), provides persuasive authority in his favor. In

James, we held that "maximum-consecutive sentences totaling twenty-eight years for a non-violent sixteen-year-old are inappropriate." Id. at 549. However, while Hoskins' offense was nonviolent, James is readily distinguishable on the grounds that Hoskins is nearly thirty-five years old and he did not receive the maximum sentence available for a Class D felony. Thus, we cannot say that Hoskins' thirty-month sentence is inappropriate in light of the offense or his character.

Affirmed.

MATHIAS, J., and BRADFORD, J., concur.